

REMARKS

Claims 61-78 are pending in the application. (No claims have been amended.) However, reconsideration and continued examination of the present application is respectfully requested in view of the remarks which follow.

Rejections Under 35 U.S.C. § 103

Claims 61-78 were rejected under 36 U.S.C. § 103(a) as being unpatentable over JP 2001-236971 to Kazuhiko (hereafter “Kazuhiko”) in view of U.S. 5,761,793 to Bevers et al. (hereafter “Bevers”). Applicants respectfully traverse this rejection for the following reasons.

First, it is to be reminded that the claimed invention relates only to the manufacture of fuel cells and not any other product. General assumptions of what “one of ordinary skill” might know needs to be tempered to the uncommon manufacturing process used to make PEM fuel cell stacks.

Second, the secondary reference Bevers should be removed from this rejection. In the Office Action, the teachings of Bevers is not applied or discussed as part of the rejection. Also, after reviewing Bevers, Applicants state that Bevers does not teach the admitted deficiencies in the primary reference Kazuhiko. Accordingly, Bevers should not be included as part of the rejection and the rejection should be withdrawn.

Third, it seems that independent claim 61 was rejected as being unpatentable over Nagayama in view of a general assertion of common knowledge of one skilled in the art (see the Office Action, page 3, last two paragraphs). In the penultimate paragraph, the Office Action admits that Nagayama does not teach the following several claim elements: (a) conveyance holes, (b) a sensor to detect a displacement speed, (c) positioning marks, (d) controlling rotation speed of conveyance roller, (e) protective sheet on the polymer electrolyte membrane, and (f) a process for peeling protective sheet away from membrane prior to positioning and fixing mechanism.

Applicants disagree that these elements are within a common knowledge of a skilled in the fuel cell art. Applicants practice in this art and they submit that these recited claim elements are not known to one skilled in the art as elements for a fuel cell manufacturing method or device. Instead, claims 61-78 recite all these elements which are patentable over

the common knowledge of a skilled in the art. If it is suggested that these recited process elements are known to one skilled in the art, then these process elements should be shown in a reference disclosing them.

Fourth, the specification as originally filed sets forth a veritable cornucopia of discussion where the making of a fuel cell requires precise positioning of the layers. The polymer electrolyte membrane ("PEM") must be fed in fixed lengths and stopped precisely in the locations at which each process is performed. Such positioning is not easy and the PEM must be positioned accurately in a predetermined position (see, e.g., page 1). As a result of these process elements, the PEM can be supplied continuously, and hence an improvement in the manufacturing efficiency of the fuel cell can also be expected. This invention exhibits particularly favorable effects when applied to the manufacture of a PEM fuel cell stack.

Conclusion

Applicants believe that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested. The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing or a credit card payment form being unsigned, providing incorrect information resulting in a rejected credit card transaction, or even entirely missing, the

Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicants hereby petition for such extension under 37 C.F.R. §1.136 and authorize payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

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